

SECOND REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 27

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CROWELL.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3596S.011

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri citizen's commission on the compensation for elected officials.

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*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2006, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article XIII of the Constitution of the state of Missouri:

Section A. Section 3, article XIII, Constitution of Missouri, is repealed, to read as follows:

[Section 3. 1. Other provisions of this constitution to the contrary notwithstanding, in order to ensure that the power to control the rate of compensation of elected officials of this state is retained and exercised by the tax paying citizens of the state, after the effective date of this section no elected state official, member of the general assembly, or judge, except municipal judges, shall receive compensation for the performance of their duties other than in the amount established for each office by the Missouri citizen's commission on compensation for elected officials established pursuant to the provisions of this section. The term "compensation" includes the salary rate established by law, milage allowances, per diem expense allowances.

2. There is created a commission to be known as the

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

14 "Missouri Citizen's Commission on Compensation for Elected  
15 Officials". The Commission shall be selected in the following  
16 manner:

17 (1) One member of the commission shall be selected at  
18 random by the secretary of state from each congressional district  
19 from among those registered voters eligible to vote at the time of  
20 selection. The secretary of state shall establish policies and  
21 procedures for conducting the selection at random. In making the  
22 selections, the secretary of state shall establish a selection system  
23 to ensure that no more than five of the members shall be from the  
24 same political party. The policies shall include, but not be limited  
25 to, the method of notifying persons selected and for providing for  
26 a new selection if any person declines appointment to the  
27 commission;

28 (2) One member shall be a retired judge appointed by the  
29 judges of the supreme court, en banc;

30 (3) Twelve members shall be appointed by the governor, by  
31 and with the advice and consent of the senate. Not more than six  
32 of the appointees shall be members of the same political party. Of  
33 the persons appointed by the governor, one shall be a person who  
34 has had experience in the field of personnel management, one shall  
35 be a person who is representative of organized labor, one shall be  
36 a person representing small business in this state, one shall be the  
37 chief executive officer of a business doing an average gross annual  
38 business in excess of one million dollars, one shall be a person  
39 representing the health care industry, one shall be a person  
40 representing agriculture, two shall be persons over the age of sixty  
41 years, four shall be citizens of a county of the third classification,  
42 two of such citizens selected from a county of the third  
43 classification shall be selected from north of the Missouri River and  
44 two shall be selected from south of the Missouri River. No two  
45 persons selected to represent a county of the third classification  
46 shall be from the same county nor shall such persons be appointed  
47 from any county represented by an appointment to the commission  
48 by the secretary of state pursuant to subdivision (1) of this  
49 subsection.

3. All members of the commission shall be residents and registered voters of the state of Missouri. Except as otherwise specifically provided in this section, no state official, no member of the general assembly, no active judge of any court, no employee of the state or any of its institutions, boards, commissions, agencies or other entities, no elected or appointed official or employee of any political subdivision of the state, and no lobbyist as defined by law shall serve as a member of the commission. No immediate family member of any person ineligible for service on the commission under the provisions of this subsection may serve on the commission. The phrase "immediate family" means the parents, spouse, siblings, children, or dependant relative of the person whether or not living in the same household.

4. Members of the commission shall hold office for a term of four years. No person may be appointed to the commission more than once. No member of the commission may be removed from office during the term for which appointed except for incapacity, incompetence, neglect of duty, malfeasance in office, or for a disqualifying change of residence. Any action for removal shall be brought by the attorney general at the request of the governor and shall be heard in the circuit court for the county in which the accused commission member resides.

5. The first appointments to the commission shall be made not later than February 1, 1996, and not later than February first every four years thereafter. All appointments shall be filed with the secretary of state, who shall call the first meeting of the commission not later than March 1, 1996, and shall preside at the first meeting until the commission is organized. The members of the commission shall organize and elect a chairperson and such other officers as the commission finds necessary.

6. Upon a vacancy on the commission, a successor shall be selected and appointed to fill the unexpired term in the same manner as the original appointment was made. The appointment to fill a vacancy shall be made within thirty days of the date the position becomes vacant.

7. Members of the commission shall receive no

86 compensation for their services but shall be reimbursed for their  
87 actual and necessary expenses incurred in the performance of their  
88 duties from appropriations made for that purpose.

89 8. The commission shall, beginning in 1996, and every two  
90 years thereafter, review and study the relationship of compensation  
91 to the duties of all elected state officials, all members of the  
92 general assembly, and all judges, except municipal judges, and  
93 shall fix the compensation for each respective position. The  
94 commission shall file its initial schedule of compensation with the  
95 secretary of state and the revisor of statutes no later than the first  
96 day of December, 1996, and by the first day of December each two  
97 years thereafter. The schedule of compensation shall become  
98 effective unless disapproved by concurrent resolution adopted by  
99 the general assembly before February 1 of the year following the  
100 filing of the schedule. Each schedule shall be published by the  
101 secretary of state as a part of the session laws of the general  
102 assembly and may also be published as a separate publication at  
103 the discretion of the secretary of state. The schedule shall also be  
104 published by the revisor of statutes as a part of the revised  
105 statutes of Missouri. The schedule shall, subject to appropriations,  
106 apply and represent the compensation for each affected person  
107 beginning on the first day of July following the filing of the  
108 schedule. In addition to any compensation established by the  
109 schedule, the general assembly may provide by appropriation for  
110 periodic uniform general cost-of-living increases or decreases for all  
111 employees of the state of Missouri and such cost-of-living increases  
112 or decreases may also be extended to those persons affected by the  
113 compensation schedule fixed by the commission. No cost-of-living  
114 increase or decrease granted to any person affected by the schedule  
115 shall exceed the uniform general increase or decrease provided for  
116 all other state employees by the general assembly.

117 9. Prior to the filing of any compensation schedule, the  
118 commission shall hold no less than four public hearings on such  
119 schedule, at different geographical locations within the state,  
120 within the four months immediately preceding the filing of the  
121 schedule. All meetings, actions, hearings, and business of the

122 commission shall be open to the public, and all records of the  
123 commission shall be available for public inspection.

124 10. Until the first day of July next after the filing of the  
125 first schedule by the commission, compensation of the persons  
126 affected by this section shall be that in effect on the effective date  
127 of this amendment.

128 11. Schedules filed by the commission shall be subject to  
129 referendum upon petition of the voters of this state in the same  
130 manner and under the same conditions as a bill enacted by the  
131 general assembly.]

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Bill

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